REMARKS/ARGUMENTS

Favorable reconsideration of this application as above amended and in light of the following discussions is respectfully requested.

New Claims 23-42 are presently active in this application, Claims 1-22 having been canceled and new Claims 23-42 added by the present Amendment.

In the outstanding Office Action the title was objective to as not being descriptive, Claims 4, 7, 13 and 18 were objected to as including informalities requiring correction, Claims 9-12 and 14-17 were rejected under 35 USC §112, first paragraph, Claims 1-4, 7, 13 and 18-22 were rejected under 35 USC §103(a) as being unpatentable over Mangold et al (U.S. Pat. 5,926,232) in view of Jeong (U.S. Pat. 6,393,060), Claims 5 and 6 were rejected under 35 USC §103(a) as being unpatentable over Mangold et al in view of Jeong as applied to Claims 1-4, 7, 13 and 18-22 above, and further in view of Bi et al (U.S. Pub. US 2001/0010688 A1), and Claim 8 was rejected under 35 USC §103(a) as being unpatentable over Mangold et al in view of Jeong as applied to Claims 1-4, 7, 13 and 18-22 above, and further in view of Lee et al (U.S. Pat. 5,774,479).

In response to the objection to the title, a new title clearly indicative of the claimed invention is submitted herewith. Accordingly, this ground for objection is believed to have been overcome.

In response to the remaining grounds for objection and rejection, the original claims have been canceled and replaced with new Claims 23-42 which have been drafted to clarify the claimed invention and more clearly patentably distinguish over the cited art. New Claims 23-36 generally correspond to original Claims 7-20 rewritten for clarity and succinctness. New Claims 37-42 recited a varied scope of protection consistent with the original specification and claims. No new matter has been added.

To the extent that the outstanding rejection of Claims 9-12 and 14-17 under 35 USC §112, first paragraph, is relevant to the new Claims 25-28 and 30-33, it is respectfully submitted that that ground for rejection has been overcome by rewriting the claims to state features consistent with the specification. For example, Claim 25 recites, "record control means for deleting the encoded data or the video data received between the deterioration to the first state and the reception of the first data," which is consistent with the Examiner's understanding of the Applicants' specification, as noted at page 4, lines 1-4 of the outstanding Official Action. Claim 30 recites a similar feature consistent with the Applicants' original disclosure. Accordingly, the outstanding rejection under 35 USC §112, first paragraph, is believed to be moot.

Turning now to a discussion of the outstanding grounds for rejection on the merits, new Claim 23 recites a communication device for receiving encoded data via a transmission channel, the encoded data comprising first data generated from one frame of video data, and second data generated from difference between frames of the video data. The communication device monitors reception quality of received data, and requests the communication device at the transmission side to transmit first encoded data when it is detected that the reception quality has restored to a second state after the reception quality deteriorated to a first state, thereby causing first encoded data to be transmitted in place of second encoded data.

On the other hand, Mangold et al. discloses a technique of measuring a quality parameter of decoded signals, and changing the bit rate of data in response to the measured quality parameter.

Thus, Mangold et al. and the claimed invention are different in what they control. Mangold et al. changes the bit rate of data, whereas the claimed invention requests the transmission side to switch the encoding method, i.e., switch from the second encoded data to

the first encoded data. In view of this difference, Applicants respectfully submitted Mangold et al. cannot achieve an advantage of the claimed invention, as described below.

With the claimed invention, when the reception quality is restored after being temporarily deteriorated, transmission data is switched from second encoded data to first encoded data. Therefore, even if data were not reliably received during the period of deteriorated reception quality, first encoded data, transmitted after restoration of the reception quality, would accurately decode the video data. On the other hand, Mangold et al. merely changes the data rate. Therefore, if data were not reliably received during the period of deteriorated reception quality, second encoded data, received after restoration of the reception quality, would not decode the video data. This difference in structure and functionality between the claimed invention and Mangold et al. is significant and patentably distinguishing over Mangold et al.

Jeong discloses transmitting an I-frame in response to a request from a receiver. However, with Jeong, transmission of an I-frame is requested when transmission packet loss occurs. The claimed invention is characterized by requesting transmission of first encoded data when it is detected that the reception quality has restored to a preset second state after the reception quality deteriorated to a first state. Thus, the structure and functionality of the claimed invention is similarly distinguishing over Jeong, which in no way cures the above-discussed deficiency in Mangold et al. Accordingly, the newly submitted claims which are drafted to capture the noted distinction are believed to be patentably distinguishing over the cited art.

Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding, and the newly submitted Claims 23-42 are

believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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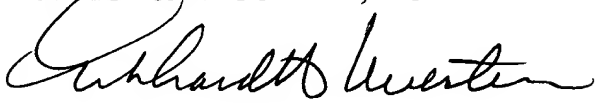

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